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Attorneys for **Defendant, WILLIAM FIKHMAN**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VIVO PER LEI, INC., a NEVADA
corporation

Plaintiff,

vs.

GADI BRUCHIM, an individual,
WILLIAM FIKHMAN, an
individual, AMAZON.COM, INC., a
Delaware Corporation, and Does 1-
10, inclusive

Defendants.

**CASE NO.: CV11-
05169VBF(JCGX)**

**REQUEST TO DISMISS FIRST
AMENDED COMPLAINT**

DATE :October 17, 2011
TIME :1:30 p.m.
DEPT :”9”

COMPLAINT FILED : 06/21/2011
TRIAL DATE : NONE SET

Defendant WILLIAM FIKHMAN ("Defendant") filed a motion to dismiss the First Amended Complaint of Plaintiff VIVO PER LEI, INC. ("Plaintiff") on September 13, 2011. The hearing date is set for October 17, 2011. Plaintiff's opposition or statement of non-opposition was therefore due on September 26, 2011. *See* L.R. 7-9. Plaintiff failed to file an opposition.

“The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.” *C.D. Cal.*

1 *Local Rule 7-12*. The Court should accordingly dismiss Plaintiff's First Amended
2 Complaint with prejudice. *See, e.g., Pineda v. Bank of Am., N.A.*, 2011 U.S. Dist.
3 LEXIS 104121, *1-2 (C.D. Cal. 2011) (dismissal with prejudice for failure to file
4 opposition to motion to dismiss); *Drake v. Midland Mortg. Co.*, 2010 U.S. Dist.
5 LEXIS 58130, *1-2 (C.D. Cal. 2010) (same); *Forde v. Fed. Home Loan Mortg. Corp.*,
6 2010 U.S. Dist. LEXIS 47275, *1-2 (C.D. Cal. 2010) (same); *Contreras v. OneWest*
7 *Bank*, 2009 U.S. Dist. LEXIS 11591, *1-3 (C.D. Cal. 2009) (same).

8
9 DATED: October 3, 2011

Respectfully submitted,

10 **VEATCH CARLSON, LLP**

11
12 By: /s/Xiaoyi Yao
13 **KEITH G. WILEMAN**
14 **XIAOYI YAO**
Attorneys for **Defendant**
WILLIAM FIKHMAN

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CERTIFICATE OF SERVICE

I hereby certify the following: I am over the age of 18 years and am not a party to the above-captioned action. I am a registered user of the CM/ECF system for the United States District Court for the Southern District of California.

On October 4, 2011, I electronically filed the foregoing **REQUEST TO DISMISS FIRST AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system. To the best of my knowledge, all counsel to be served in this action is registered CM/ECF users and will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Xiaoyi Yao
XIAOYI YAO, 261290